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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,885	06/29/2000	Yuji Kuroda	SONY-T0850	7213

22850 7590 12/19/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2653

23

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

**Advisory Action**

Application No.

09/606,885

Applicant(s)

KURODA ET AL.

Examiner

Aristotelis M Psitos

Art Unit

2653

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☒ The proposed amendment(s) will not be entered because:  
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ they raise the issue of new matter (see Note below);  
(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1,5-17,19-32,34-58.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
10. ☐ Other: \_\_\_\_\_

Aristotelis M Psitos  
Primary Examiner  
Art Unit: 2653

Continuation of 2. NOTE: Amendments after final are not normally entered in part. It is noted that the cancelation of claims 6,7,10,13 and 15-58 if submitted separately would be entered since it does reduce the issues under Final Rejection. Nevertheless, the amendment to claim 1 does not overcome the rejections stated in paragraph 2 of the FR; nor the interpretation of the primary reference to JP 11-126387 especially because the arguments presented focus on limitations NOT IMPARTED to the elements POSITIVELY recited in the claims. Claim 1 (and appropriate dependent claims) ARE DRAWN TO AN OPTICAL DISC - A PRODUCT, and not to a system of recording having the optical disc structure and required optical light source(s) and elements so as to focus a light appropriately onto the record medium. Also, the newly presented claims leave the dependency of claim 8 undefined since the proposed amendments cancel claim 7 - and hence raising a new issue and rejection not entertained at the present time juncture under present USPTO practice. Finally, the introduction of new claim 59 - a different combination of elements NOT previously presented as recited in claim 59 which required a further in detail review of ALL the cited prior art during prosecution, and again, such a review is not performed at this time juncture under present USPTO practice. If applicants are desirous of an examination of such a claim, then the examiner strongly recommends the filing of a continuing application(rce).

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments focus on limitations NOT positively recited in the claims (either due to refusal of entry of the amendment after final, and or as interpreted by the examiner during prosecution).